

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

IRENE SPERLING, ET AL,

Plaintiffs,

v.

CIVIL ACTION NO.:
2:07-cv-01901-RRA

METRO TRANSPORTATION, INC.,

Defendant .

Memorandum Opinion

This case comes before the court on the plaintiffs' Motion for Conditional Class Certification and to Facilitate Court-Approved Notice Under 29 U.S.C. § 216(b) filed by the plaintiffs. (Doc. 9.) The plaintiffs move for an order, pursuant to 29 U.S.C. § 216(b), 1) holding that this case will proceed as a collective action; and 2) "authorizing notice (in a form specified by the Court) to be delivered to all current and former hourly wage employees of the [d]efendant who have been employed by [d]efendant within the three years predating the filing of this case, i.e. since 10/18/04." (Pl. Mot. 1.) Although the motion notes that it is opposed, and although a briefing schedule was entered, the defendant has filed no opposition to the motion.

On April 8, 2008, the magistrate recommended that the motion be denied. The time for filing objections to the recommendation has expired and no objections have been filed.

Having carefully reviewed and considered de novo all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and his recommendation is ACCEPTED. An appropriate order will be entered.

Done this 24th day of April 2008.



L. SCOTT COGLER
UNITED STATES DISTRICT JUDGE
153671